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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steven J. Smith et al.
Appln. No.: 10/695,228
Confirm. No.: 4973
Filed: October 28, 2003
Title: Systems and Methods for
Governing the Performance of
High Volume Electronic Mail
Delivery

PATENT APPLICATION

Art Unit: 2143
Examiner: Not Yet Assigned

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on May 24, 2005.

 (Signature)
Laura Hulac
Signature Date: May 24, 2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ Copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as required, except for those items designated by an asterisk (*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

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____ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

____ ***PTA Statement under 37 C.F.R. §1.704(d).*** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

This statement should be considered because:

✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) **It is being filed before the mailing date of the first Office Action on the merits,**
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

____ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- ____ (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
- ____ (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

____ **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER MEYER LLP

Date: 5/24/2005

By: Daniel J. Burns
Reg. No. 50,222

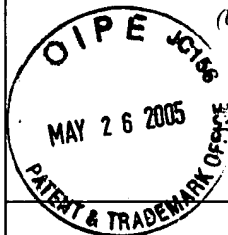
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Form PTO-1449 U.S. DEPARTMENT OF COMMERCE
(Substitute) PATENT AND TRADEMARK OFFICE

Information Disclosure Statement

BY APPLICANT

(Use several sheets if necessary)



Attorney Docket Number
MNDSh-01003US3

Serial/Patent Number
10/695,228

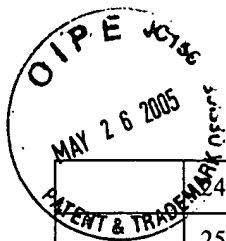
Applicant/Patent Owner
Steven J. Smith et al.

Filing/Issue Date
October 28, 2003

Group Art Unit
2141

U.S. PATENTS

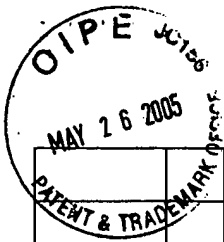
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1	4,723,212	Feb 1988	Mindrum et al.			
	2	5,377,354	Dec 1994	Scannell et al.			
	3	5,502,636	Mar 1996	Clarke			
	4	5,619,648	Apr 1997	Canale et al.			
	5	5,740,549	Apr 1998	Reilly et al.			
	6	5,903,723	May 1999	Beck et al.			
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	9	5,970,469	Oct 1999	Scroggie et al.			
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	13	6,014,634	Jan 2000	Scroggie et al.			
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	15	6,052,709	Apr 2000	Paul			
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	31	6,421,717	July 2002	Kloba et al.			
	32	6,341,316	Jan 2002	Kloba et al.			
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	36	6,173,311	Jan 2001	Hassett et al.			
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	44	6,038,668	Mar 2000	Chipman et al.			

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		200220120496	May 9, 2000	Scroggie et al.
		20020143879	Mar 28, 2001	Sommerer
		20020152245	Apr 5, 2001	McCaskey et al.
		20020199095	May 22, 2002	Bandini et al.
		20030014414	Dec 7, 2000	Newman
		20020052781	May 25, 2001	Aufricht et al.
		20020032722	Sep 12, 2001	Baynes et al.
		20010051979	May 25, 2001	Aufricht et al.



		20020023135	Feb 2002	Shuster
		20020116463	Aug 2002	Hart
		20020152272	Oct 2002	Yairi

PENDING U.S. PATENT APPLICATIONS

Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

Examiner

Date Considered

***EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.

*2 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.